IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 13773 of 2007(M)

OS.80/2002 of SUB COURT, MUVATTUPUZHA

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PETITIONER:

K.A.CHERIYAN, AGED 52 YEARS,
S/O.ABRAHAM, KAKKANATTUPARAMBIL HOUSE,
KIZHAKKOMBU KARAYIL, KOOTHATTUKULAM.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. DISTRICT COLLECTOR, ERNAKULAM.

3. TAHSILDAR, MUVATTUPUZHA.

4. VILLAGE OFFICER, KOOTHATTUKULAM.

5. MARY, W/O.THOMAS,
KAKKANATTUPARAMBIL HOUSE, KIZHAKKOMBU KARAYIL,
KOOTHATTUKULAM.

6. BIJU, S/O.THOMAS,
KAKKANATTUPARAMBIL HOUSE, KIZHAKKOMBU KARAYIL,
KOOTHATTUKULAM.

R1 TO 4 BY GOVT. PLEADER SMT. BINDU.R

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE PLAINT IN O.S.NO: 80/2002

EXT.P2: -DO- OF THE INJUNCTION PETITION FILED BY THE FATHER OF THE PETITIONER AND THREE OTHERS

EXT.P3: -DO- OF THE PARTITION DEED BEARING NO: 2826/1961

EXT.P4: -DO- OF THE PROPERTY ASSESSMENT REGISTER FOR THE YEAR 1993-94 TO 1998-99

EXT.P5: -DO- OF THE WRITTENS TATEMENT FILED BY THE 3RD RESPONDENT

EXT.P6: -DO- OF THE I.A.NO: 47/2007 FILED BEFORE THE SUB COURT, MUVATTUPUZHA DT.5.1.2007

EXT.P7: -DO- OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFOR THE 3RD RESPONDENT DT. 20.3.2007

EXT.P8: -DO- OF THE REPLY DT.30.3.2007 ISSUED BY THE 3RD RESPONDENT

jj /TRUE COPY/

P.A. TO JUDGE

M.N. KRISHNAN, J.

WP(C)No.13773 OF 2007 M

Dated this the 23rd May, 2007.

JUDGMENT

This writ petition is filed seeking a writ of mandamus directing the respondents 2 to 4 to keep the revenue recovery proceedings including sale of property in abeyance till the disposal of I.A.47/2007 in O.S.80/2002 pending before the Sub Court, Muvattupuzha. A perusal of the file would reveal that the present writ petitioners moved a suit for an injunction to restrain the Government from proceeding against the revenue recovery proceedings. The suit was dismissed for default and the writ petitioners have filed application, I.A 47/2007 to restore the suit and it is marked as Ext.P6 in the writ petition.

2. When this matter came up for admission there was a stay granted for two weeks. The limited prayer is to enable the writ petitioners to prosecute Ext.P6 application and move the Civil Court for an interim relief.

3. After hearing both sides, I feel that the writ petition can be disposed of as follows:-

The Subordinate Judges Court, Muvattupuzha is directed to dispose of Ext.P6 application i.e I.A.47/2007 in O.S. 80/2002 within a period of three weeks from today and there will be a direction not to proceed with the revenue

recovery proceedings for a period of one month from today.

The Registry is directed to send a copy of the judgment to the Muvattupuzha Sub Court for compliance.

M.N. KRISHNAN
Judge

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